

Attorney Docket No.: 01CON247P-CON
Application Serial No.: 10/806,800

REMARKS

This is in response to the *Non-Final* Office Action of August 22, 2007, where the Examiner has rejected claims 30-47, 49-51 and 53, and objected to claims 48 and 52. By the present amendment, applicant has amended claims 30-32, 36-40, 44-46 and 50, and added new claims 54-55. After the present amendment, claims 30-55 are pending in the present application. An early allowance of outstanding claims 30-55 in view of the following remarks is requested.

A. Objection to Drawings

The Examiner has objected to Figure 4, because the word "VIATUAL" should read "VIRTUAL." By the present amendment, applicant is hereby submitting a replacement sheet for Figure 4 to correct this misspelling. Applicant is also filing a set of formal drawings, via U.S. mail, contemporaneously with the present amendment. Applicant respectfully submits that the Examiner's objection has been overcome.

B. Claim Objections

The Examiner has objected to claims 32 and 40 for reciting "said second data link protocol." By the present amendment, applicant has amended claims 32 and 40 to read "said a second data link protocol." Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

C. Rejection of Claims 30-32, 38-40, 46-47 and 50-51 under 35 USC § 102(e)

The Examiner has rejected claims 30-32, 38-40, 46-47 and 50-51, under 35 USC § 102(e), as being anticipated by Farris, et al. (USPN 6,438,218) ("Farris").

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The Examiner states that Farris discloses "negotiating, in response to said call, over said first telephone line with said first modem to establish a first physical link connection." Applicant respectfully disagrees. In order to further clarify the invention of claim 30, applicant has amended claim 30 to recite "negotiating, in response to said call, over said first telephone line with said first client modem to establish a first physical link modem connection between said first client modem and a first gateway modem of said first gateway."

Applicant respectfully submits that Farris fails to disclose, teach or suggest that a first physical modem connection is negotiated and established between the first client modem and the first gateway modem of the first gateway. In fact, as shown in Figures 4 and 5 of Farris, it is quite clear that Internet Module 72 does not include a modem. It is respectfully submitted that Figure 4 of Farris clearly shows that there are only two client modems 64 and 66 in the system of Farris. Therefore, Farris does not show an intermediate modem connection between the first client modem and the first gateway modem. Applicant respectfully submits that at least for this reason, the system of Farris is fundamentally different than the invention of claim 30 of the present application.

Accordingly, applicant respectfully submits that claim 30, as amended, is patentable over Farris, and should be allowed. Further, claims 30-32 depend from claim 30, as amended, and should be allowed at least for the reasons stated above. Applicant has also amended independent claims 38, 46 and 50 to include limitations similar to those discussed above in conjunction with claim 30, as amended. Therefore, independent claims 38, 46 and 50, as amended, and their respective dependent claims 29-40, 47 and 51, should also be allowed at least for the reasons stated above.

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D. Rejection of Claims 33 and 41 under 35 USC § 103(a)

The Examiner has rejected claims 33 and 41, under 35 USC § 103(a), as being unpatentable over Farris.

Applicant respectfully submits that claims 33 and 41 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

E. Rejection of Claims 34 and 42 under 35 USC § 103(a)

The Examiner has rejected claims 34 and 42, under 35 USC § 103(a), as being unpatentable over Farris in view of Endo (USPN 6,381,038) ("Endo").

Applicant respectfully submits that claims 34 and 42 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

F. Rejection of Claims 35-37 and 43-45 under 35 USC § 103(a)

The Examiner has rejected claims 35-37 and 43-45, under 35 USC § 103(a), as being unpatentable over Farris in view of Endo, and further in view of Davis, et al. (USPN 6,049,902) ("Davis").

Applicant respectfully submits that claims 35-37 and 43-45 depend from claims 30 and 38, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 30 and 38.

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G. Rejection of Claims 49 and 53 under 35 USC § 103(a)

The Examiner has rejected claims 49 and 53, under 35 USC § 103(a), as being unpatentable over Farris in view of Davis.

Applicant respectfully submits that claims 49 and 53 depend from claims 46 and 50, as amended, respectively, and should be allowed at least for the reasons stated above in conjunction with patentability of claims 46 and 50.

H. New Claims 54-55

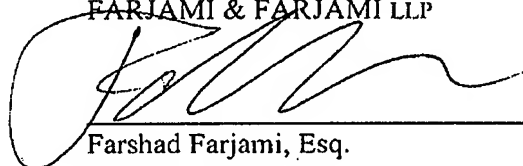
By the present amendment, applicant has added new claims 54 and 55, which depend from claims 52 and 48, respectively. Applicant respectfully submits that no new matter has been added, and claims 54-55 should be allowed at least for the reasons stated above in conjunction with patentability of claims 52 and 48.

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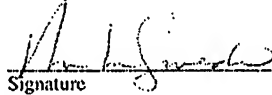
I. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-55 pending in the present application is respectfully requested.

Respectfully Submitted,
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